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Attorneys for Defendant Google LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CHASOM BROWN, MARIA NGUYEN,
and WILLIAM BYATT, individually and on
behalf of all similarly situated,

Plaintiffs,

v.

GOOGLE LLC and ALPHABET INC.,
Defendants.

Case No. 5:20-cv-03664-LHK

**DECLARATION OF ANDREW H.
SCHAPIRO IN SUPPORT OF
DEFENDANT GOOGLE'S MOTION TO
DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT**

The Honorable Lucy H. Koh
Courtroom 8 – 4th Floor
Date: February 25, 2021
Time: 1:30 p.m.

DECLARATION OF ANDREW H. SCHAPIRO

I, Andrew H. Schapiro, declare as follows:

1. I am a partner with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Defendant Google LLC in this matter. I am an attorney at law duly licensed to practice before all courts of the State of Illinois and admitted to practice *pro hac vice* in the Northern District of California by this Court. Dkt. 37. I have personal knowledge of the matters set forth herein and am competent to testify.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Google's Privacy Policy in effect between March 25, 2016 and June 28, 2016, which I last accessed on October 21, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20160325>.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Google's Privacy Policy in effect between June 28, 2016 and August 29, 2016, which I last accessed on October 21, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20160628>.

4. Attached hereto as **Exhibit 3** is a true and correct copy of Google's Privacy Policy in effect between August 29, 2016 and March 1, 2017, which I last accessed on October 21, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20160829>.

5. Attached hereto as **Exhibit 4** is a true and correct copy of Google's Privacy Policy in effect between March 1, 2017 and April 17, 2017, which I last accessed on October 21, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20170301>.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Google's Privacy Policy in effect between April 17, 2017 and October 2, 2017, which I last accessed on October 21, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20170417>.

7. Attached hereto as **Exhibit 6** is a true and correct copy of Google's Privacy Policy in effect between October 2, 2017 and December 18, 2017, which I last accessed on October 21, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20171002>.

1 8. Attached hereto as **Exhibit 7** is a true and correct copy of Google's Privacy Policy in
2 effect between December 18, 2017 and May 25, 2018, which I last accessed on October 21, 2020 on
3 the publicly available website <https://policies.google.com/privacy/archive/20171218>.

4 9. Attached hereto as **Exhibit 8** is a true and correct copy of Google's Privacy Policy in
5 effect between May 25, 2018 and January 22, 2019, which I last accessed on October 21, 2020 on the
6 publicly available website <https://policies.google.com/privacy/archive/20180525>.

7 10. Attached hereto as **Exhibit 9** is a true and correct copy of Google's Privacy Policy in
8 effect between January 22, 2019 and October 15, 2019, which I last accessed on October 21, 2020 on
9 the publicly available website <https://policies.google.com/privacy/archive/20190122>.

10 11. Attached hereto as **Exhibit 10** is a true and correct copy of Google's Privacy Policy in
11 effect between October 15, 2019 and December 19, 2019, which I last accessed on October 21, 2020
12 on the publicly available website <https://policies.google.com/privacy/archive/20191015>.

13 12. Attached hereto as **Exhibit 11** is a true and correct copy of Google's Privacy Policy in
14 effect between December 19, 2019 and March 31, 2020, which I last accessed on October 21, 2020 on
15 the publicly available website <https://policies.google.com/privacy/archive/20191219>.

16 13. Attached hereto as **Exhibit 12** is a true and correct copy of Google's Privacy Policy in
17 effect between March 31, 2020 and July 1, 2020, which I last accessed on October 21, 2020 on the
18 publicly available website <https://policies.google.com/privacy/archive/20200331>.

19 14. Attached hereto as **Exhibit 13** is a true and correct copy of Google's Privacy Policy in
20 effect between July 1, 2020 and August 28, 2020, which I last accessed on October 21, 2020 on the
21 publicly available website <https://policies.google.com/privacy/archive/20200701>.

22 15. Attached hereto as **Exhibit 14** is a true and correct copy of Google's Privacy Policy in
23 effect between August 28, 2020 and September 30, 2020, which I last accessed on October 21, 2020
24 on the publicly available website at <https://policies.google.com/privacy/archive/20200828>.

25 16. Attached hereto as **Exhibit 15** is a true and correct copy of Google's current Privacy
26 Policy in effect since September 30, 2020, which I last accessed on October 21, 2020 on the publicly
27 available website at <https://policies.google.com/privacy>.

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1 17. Attached hereto as **Exhibit 16** is a true and correct copy of Google’s Terms of Service
2 in effect between April 14, 2014 and October 25, 2017, which I last accessed on October 21, 2020 on
3 the publicly available website <https://policies.google.com/terms/archive/20140414>.

4 18. Attached hereto as **Exhibit 17** is a true and correct copy of Google’s Chrome Privacy
5 Notice archived on June 21, 2016, which I last accessed on October 21, 2020 on the publicly available
6 website <https://www.google.com/chrome/privacy/archive/20160621/>.

7 19. Attached hereto as **Exhibit 18** is a true and correct copy of the “Search & browse
8 privately” page from Google Help Center for computer devices, which I last accessed on October 21,
9 2020 on the publicly available website
10 <https://support.google.com/websearch/answer/4540094?co=GENIE.Platform%3DDesktop>.

11 20. Attached hereto as **Exhibit 19** is a true and correct copy of the “How private browsing
12 works in Chrome” page from Google Chrome Help Center for computer devices, which I last accessed
13 on October 21, 2020 on the publicly available website
14 <https://support.google.com/chrome/answer/7440301?co=GENIE.Platform%3DDesktop>.

15 21. Attached hereto as **Exhibit 20** is a true and correct copy of the “Browse in private”
16 page from Google Chrome Help Center for computer devices, which I last accessed on October 21,
17 2020 on the publicly available website
18 <https://support.google.com/chrome/answer/95464?co=GENIE.Platform%3DDesktop&hl=en>.

19 22. Attached hereto as **Exhibit 21** is a true and correct copy of the “Safeguarding your
20 data” page from Google Analytics Help Center, which I last accessed on October 21, 2020 on the
21 publicly available website <https://support.google.com/analytics/answer/6004245>.

22 23. Attached hereto as **Exhibit 22** is a true and correct copy of the “Policy requirements for
23 Google Analytics Advertising Features” page from Google Analytics Help Center, which I last
24 accessed on October 21, 2020 on the publicly available website
25 <https://support.google.com/analytics/answer/2700409>.

26 24. Attached hereto as **Exhibit 23** is a true and correct copy of the “Measurement Protocol,
27 SDK, and User ID Feature Policy” page from Google Analytics Measurement Protocol Guides, which
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1 I last accessed on October 21, 2020 on the publicly available website
2 <https://developers.google.com/analytics/devguides/collection/protocol/policy>.

3 25. Attached hereto as **Exhibit 24** is a true and correct copy of the “Required Content”
4 page from Google AdSense Help Center, which I last accessed on October 21, 2020 on the publicly
5 available website <https://support.google.com/adsense/answer/1348695>.

6 26. Attached hereto as **Exhibit 25** is a true and correct copy of the “Platforms Program
7 Policies” page from Google Platforms Policies Help Center, which I last accessed on October 21,
8 2020 on the publicly available website <https://support.google.com/platformspolicy/answer/3013851>.

9 27. Attached hereto as **Exhibit 26** is a true and correct copy of the “About the User-ID
10 feature” page from Google Analytics Help Center, which I last access on October 21, 2020 on the
11 publicly available website <https://support.google.com/analytics/answer/3123662>.

12 28. Attached hereto as **Exhibit 27** is a true and correct copy of Google’s Chrome Privacy
13 Notice archived on September 1, 2015, which I last accessed on October 21, 2020 on the publicly
14 available website <https://www.google.com/intl/en/chrome/privacy/archive/20150901/>.

15 29. Relevant language in these Exhibits have been highlighted in yellow for the Court’s
16 convenience.

17 I declare under penalty of perjury under the laws of the United States of America that the
18 forgoing is true and correct. Executed this 21st day of October 2020, at Chicago, Illinois.

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20 /s/ Andrew H. Schapiro
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